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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : Daniel D. Thaxton

Serial No. : 09/932,158

Filed : August 17, 2001

Confirmation No.: 4650

Title : **SYSTEM AND METHOD FOR DISTRIBUTING SECURE DOCUMENTS**

Docket No. : STD 1066 PA/41213.313

Examiner : David Yiuk Jung

Art Unit : 2134

**MAIL STOP AMENDMENT**


Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 9, 2005.

  
James F. Gottman

Reg. No. 27,262

Sir:

**RESPONSE TO OFFICE ACTION**

This communication is submitted in response to the Office Action of December 16, 2004, in which all of the claims were rejected. The basis of the rejection of these claims is an assertion by the Examiner that the claims are unpatentable over Stamps (cited by Applicant, www.stamps.com). The Stamps reference constitutes two pages, printed from the Internet website of the United States Postal Service, which deal with a service referred to as "NetStamps" and not bearing a date of publication. This reference is styled as a Quick Reference Guide for NetStamps.

It is believed that the present application's filing date of August 17, 2001 antedates the effective publication date of the Stamps reference. Further, prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of the date the item was

publicly posted. If the publication does not include a publication date (or retrieval date), it cannot be relied upon as prior art.

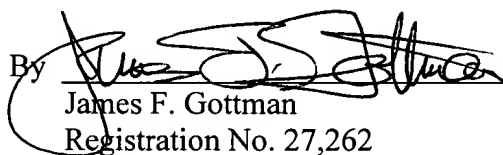
On February 4, 2005, applicant's attorney downloaded an article from a *Chicago Tribune* website. The Internet address of this article was "http://www.chicagotribune.com/technology/-chi-020717 stamps.story" and a copy of the downloaded article is enclosed. This article indicates on its face that it is an Associated Press wire service story, which was published on July 17, 2002, eleven months after the filing date of the instant application. The Chicago Tribune story states "Americans will be able to print out sheets of postage stamps on their personal computers, using a system approved today by the Postal Service." (Emphasis added.) The story then goes on to describe the new system, indicating that "Stamps.com, based in Santa Monica, Calif., is the first company approved to offer the service, called NetStamps." (Emphasis added.)

Based on the Chicago Tribune article, it appears that the NetStamps service was not offered to the public until eleven months after the filing date of the present application. It is highly unlikely, therefore, that the undated "Quick Reference Guide," explaining how to use the NetStamps service, would have been published on the Internet prior to the filing date of the present application. In view of this, it is submitted that there is no showing that the "Quick

Reference Guide" was published early enough to constitute prior art with respect to the present application. The rejection should therefore be withdrawn. Early notice of favorable action is respectfully requested.

Respectfully submitted,

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